

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document # **61**

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*USA*

-v-

*Luis Bonilla-Olivea*  
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U.S.C.A. # 05-CR-0623-2

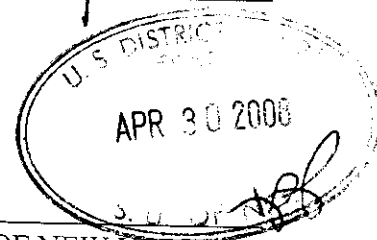
U.S.D.C. # 07-cv-5921

JUDGE: DLC

DATE: 4/30/08

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME): THOMAS R. PISARCZYK  
FIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK  
ADDRESS: 500 PEARL STREET, ROOM 370  
NEW YORK, NEW YORK 10007  
PHONE NO.: (212) 805 - 0636



DISTRICT COURT DOCKET ENTRIES -----

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 30th Day of April, 2008.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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USA

-v-

*Suis Bonilla-Oliver*  
-----

U.S.C.A. #

*05-CR-0623-2*

U.S.D.C. #

*07-cv-5921*

JUDGE:

*DLC*

DATE:

*4/30/08*  
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**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 60, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 30th Day of April In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232<sup>ND</sup> year.

**J. Michael McMahon, Clerk**

By

*[Signature]*  
Deputy Clerk

APPEAL, CLOSED, ECF, PRIOR

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CRIMINAL DOCKET FOR CASE #: 1:05-cr-00623-DLC-2**  
**Internal Use Only**

Case title: USA v. Ventura-Salazar et al

Related Case: 1:07-cv-05921-DLC

Magistrate judge case number: 1:05-mj-00270-UA

Date Filed: 06/09/2005

Date Terminated: 02/02/2006

Date Filed	#	Docket Text
02/08/2005		Arrest of Frank Reynardo Ventura-Salazar, Luis Bonilla-Oliver, Francis Albert Contreras. (dif, ) [1:05-mj-00270-UA] (Entered: 02/10/2005)
02/09/2005	1	COMPLAINT as to Frank Reynardo Ventura-Salazar (1), Luis Bonilla-Oliver (2), Francis Albert Contreras (3). In Violation of 21 U.S.C. 846, 812, 841 (a) (1), 841 (b) (1) (A) (Possession with Intent to Distribute a Controlled Substance) (Signed by Judge James C. Francis ) (dif, ) [1:05-mj-00270-UA] (Entered: 02/10/2005)
02/09/2005		Minute Entry for proceedings held before Judge James C. Francis :Initial Appearance as to Luis Bonilla-Oliver held on 2/9/2005, with CJA Michael Hueston and AUSA William Burck for the government. Detention on Consent w/o Prejudice; Preliminary Examination set for 3/10/2005 10:00 AM before Judge Unassigned. (dif, ) [1:05-mj-00270-UA] (Entered: 02/10/2005)
02/09/2005	6	CJA 20 as to Luis Bonilla-Oliver: Appointment of Attorney Michael Hueston for Luis Bonilla-Oliver.. (Signed by Judge James C. Francis on 02/09/05) The CJA Office has mailed the original to the attorney and sent the copy to the case file.(pa, ) [1:05-mj-00270-UA] (Entered: 02/17/2005)
03/10/2005	11	ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Frank Reynardo Ventura-Salazar, Luis Bonilla-Oliver, Francis Albert Contreras. Time excluded from 3/10/05 until 4/11/05. . (Signed by Judge Frank Maas on 3/10/05)(kwi, ) [1:05-mj-00270-UA] (Entered: 03/10/2005)
04/11/2005	13	AFFIRMATION of Katherine Goldstein in Support by USA as to Frank Reynardo Ventura-Salazar, Luis Bonilla-Oliver, Francis Albert Contreras RE: For the request of continuance until 5/11/05. (kwi, ) [1:05-mj-00270-UA] (Entered: 04/12/2005)
04/11/2005		ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Frank Reynardo Ventura-Salazar, Luis Bonilla-Oliver, Francis Albert Contreras re: 13 Affirmation in Support filed by USA.. Time excluded from 4/11/05 until 5/11/05. Follows oral order of 4/6/05.. (Signed by Judge Kevin Nathaniel Fox on 4/11/05)(kwi, ) [1:05-mj-00270-UA] (Entered: 04/12/2005)
05/11/2005	14	AFFIRMATION of Katherine Goldstein in Support by USA as to Frank Reynardo Ventura-Salazar, Luis Bonilla-Oliver, Francis Albert Contreras RE: For the request of continuance until 6/10/05. (kwi, ) [1:05-mj-00270-UA] (Entered: 05/13/2005)
05/11/2005		ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Frank Reynardo Ventura-Salazar, Luis Bonilla-Oliver, Francis Albert Contreras re: 14 Affirmation in Support filed by USA.. Time excluded from 5/11/05 until 6/10/05. Follows oral order of 5/11/05.. (Signed by Judge James C. Francis on 5/11/05)(kwi, ) [1:05-mj-00270-UA] (Entered: 05/13/2005)
06/09/2005	15	INDICTMENT FILED as to Frank Reynardo Ventura-Salazar (1) count(s) 1, Luis Bonilla-Oliver (2) count(s) 1, Francis Albert Contreras (3) count(s) 1. (jm, ) (Entered: 06/10/2005)
06/09/2005		Case Designated ECF as to Frank Reynardo Ventura-Salazar, Luis Bonilla-Oliver, Francis Albert Contreras.(jm, ) (Entered: 06/10/2005)
06/15/2005		Minute Entry for proceedings held before Judge Denise L. Cote :Arraignment and I/Pretrial Conference as to Frank Reynardo Ventura-Salazar (1) Count 1; Luis Bonilla-Oliver (2) Count 1; and Francis Albert Contreras (3) Count 1 held on 6/15/2005. Dft Frank Ventura pres w/atty Isabelle Kirsner, Dft Luis Bonilla-Oliver pres w/atty Jonathan Marks, and Dft Francis Contreras pres w/atty David Goldstein. AUSA Katherine Goldstein pres. Spanish interpreter Elena Rich pres. Crt rpt pres. Dfts Ventura-Salazar, Bonilla-Oliver and Contreras plead NOT GUILTY as charged in 05 Cr 623. Discovery by Gov't due by 7/8/2005. Defense Motions due by 9/9/2005. Gov't Responses due by 9/23/2005. Trial date set for 10/17/05. T/E from 6/15/05 until 10/17/05... Bail cont'd for Francis Contreras. Detention cont'd for Frank Ventura-Salazar and Bonilla-Oliver.(Court Reporter Marvin Birnbaum) (ja, ) (Entered: 06/24/2005)
06/15/2005		Minute Entry for proceedings held before Judge Denise L. Cote : Plea entered by Frank Reynardo Ventura-Salazar (1) Count 1, Luis Bonilla-Oliver (2) Count 1, and Francis Albert Contreras (3) Count 1, NOT GUILTY. (Court Reporter Marvin Birnbaum) (ja, ) (Entered: 06/24/2005)
10/14/2005	16	ENDORSED LETTER as to Luis Bonilla-Oliver addressed to Judge Cote, from Jonathan Marks, Atty for dft, dated 10/12/05, re: request an adjournment of the trial, currently scheduled for 10/17/05... -- Judge endorsed: Granted. Trial shall commence October 31. (Signed by Judge Denise L. Cote on 10/13/05)(ja, ) (Entered: 10/14/2005)
10/27/2005	23	CONSENT TO PROCEED BEFORE US MAGISTRATE JUDGE ON A FELONY PLEA ALLOCUTION by Luis Bonilla-Oliver. (pr, ) (Entered: 11/03/2005)
10/27/2005	24	WAIVER OF INDICTMENT by Luis Bonilla-Oliver. (pr, ) (Entered: 11/03/2005)
10/27/2005	25	(S!) SUPERSEDING INFORMATION (Felony) filed as to Luis Bonilla-Oliver (2) count(s) 1s. (pr, ) (Entered: 11/03/2005)
10/27/2005		Minute Entry for proceedings held before Judge Frank Maas :Arraignment as to Luis Bonilla-Oliver (2) Count 1s held on 10/27/2005. Deft. pleads guilty to superseding information. PSI ordered. Sentence date 1/27/06 @ 10:30 AM. (pr, ) (Entered: 11/03/2005)
10/27/2005		Minute Entry for proceedings held before Judge Frank Maas : Plea entered by Luis Bonilla-Oliver (2) Guilty as to Count 1s. (pr, ) (Entered: 11/03/2005)
10/27/2005		ORDER FOR PRE-SENTENCE INVESTIGATION REPORT as to Luis Bonilla-Oliver. ( by Judge Frank Maas on 10/27/05)(pr, ) (Entered: 11/03/2005)

10/27/2005		ORAL ORDER as to Luis Bonilla-Oliver. Sentencing set for 1/27/2006 10:30 AM before Judge Denise L. Cote.. ( by Judge Frank Maas on 10/27/05)(pr, ) (Entered: 11/03/2005)
11/03/2005	(26)	ORDER as to Luis Bonilla-Oliver. The dft's guilty plea allocution was taken before a Mag Judge on 10/27/05 2005,... IT IS HEREBY ORDERED that the dft's guilty plea is accepted. SO ORDERED. (Signed by Judge Denise L. Cote on 11/3/05)(ja, ) (Entered: 11/03/2005)
11/07/2005	(27)	TRANSCRIPT of Proceedings as to Luis Bonilla-Oliver held on 10/27/2005 before Judge Frank Maas. Oringinal filed in 03cv4526 document #40. (jar, ) (Entered: 11/07/2005)
01/27/2006		Minute Entry for proceedings held before Judge Denise L. Cote :Sentencing held on 1/27/2006 for Luis Bonilla-Oliver (2) Count 1s. (jw, ) (Entered: 02/02/2006)
02/02/2006		DISMISSAL OF COUNTS on Government Motion as to Luis Bonilla-Oliver (2) Count 1.(jw, ) (Entered: 02/02/2006)
02/02/2006	(33)	FILED JUDGMENT IN A CRIMINAL CASE as to Luis Bonilla-Oliver (2), Count(s) 1, All open counts are dismissed; Pleadged guilty to Count(s) 1s, Imprisonment for a total term of 121 Months. Supervised release for a term of 3 Years. The Court makes the following recommendations to the Bureau of Prisons: That the defendant be designated to a facility as close to the NYC area as possible. That the defendant be permitted to participate in a drug treatment program. Special Assessment of \$100 which is due immediately. (Signed by Judge Denise L. Cote on 2/2/06)(jw, ) (Entered: 02/02/2006)
02/02/2006		Judgment entered in money judgment book as #06,0220 as to Luis Bonilla-Oliver in the amount of \$ 100.00, re: 33 Judgment. (dt, ) (Entered: 02/03/2006)
02/06/2006	(37)	NOTICE OF APPEAL by Luis Bonilla-Oliver from 33 Judgment,, Copies of Notice of Appeal mailed to Attorney(s) of Record: A.U.S.A. and Court Reporters. (CJA attorney) (ud, ) (Entered: 02/08/2006)
02/07/2006	(38)	NOTICE OF ATTORNEY APPEARANCE: Jonathan Marks appearing for Luis Bonilla-Oliver. (Marks, Jonathan) (Entered: 02/07/2006)
02/08/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Luis Bonilla-Oliver to US Court of Appeals re: 37 Notice of Appeal - Final Judgment. (nd, ) (Entered: 02/08/2006)
02/08/2006		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files as to Luis Bonilla-Oliver re: 37 Notice of Appeal - Final Judgment, 25 Information - Felony, 24 Waiver of Indictment, 36 Notice of Attorney Appearance - Defendant, 33 Judgment,,, 23 Consent to Proceed on Felony Plea Allocation, 15 Indictment, 26 Order, 16 Endorsed Letter, were transmitted to the U.S. Court of Appeals. (nd, ) (Entered: 02/08/2006)
02/28/2006	(40)	TRANSCRIPT of Proceedings as to Luis Bonilla-Oliver held on 1/27/06 before Judge Denise L. Cote. (jbe, ) (Entered: 02/28/2006)
05/04/2006	(45)	First Supplemental ROA Sent to USCA (Index). Notice that the Supplemental Index to the record on Appeal as to Luis Bonilla-Oliver re: 37 Notice of Appeal - Final Judgment USCA Case Number 06-0598-cr(L), 06-0681-cr(CON), 3 Copies of the index, Certified Supplemental Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (nd, ) (Entered: 05/04/2006)
05/12/2006		First Supplemental ROA Sent to USCA (Index). Notice that the Supplemental Index to the record on Appeal as to Luis Bonilla-Oliver re: 37 Notice of Appeal - Final Judgment USCA Case Number 06-0598, 3 Copies of the index, Certified Supplemental Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals on 5/12/2006 to the att. of Ralph Obas. (nd, ) (Entered: 05/12/2006)
06/14/2006	(46)	Judgment Returned Executed for 33 Judgment,, as to Luis Bonilla-Oliver on 3/22/06. Defendant committed to ALF LSCI Allenwood. (pr, ) (Entered: 06/15/2006)
01/11/2007	(49)	MANDATE of USCA (certified copy) as to Luis Bonilla-Oliver re: 37 Notice of Appeal - Final Judgment, 45 Supplemental ROA Sent to USCA - Index, USCA Case Number 06-0681-cr. Motion for: Summary Affirmance. Ordered that the motion be and it hereby is GRANTED. Asreen. Acting, Clerk USCA. Issued As Mandate: 1/4/07. (pr) Additional attachment(s) added on 2/7/2007 (Dulal, Nezam). (Entered: 01/18/2007)
06/21/2007	(50)	MOTION to Appoint Counsel and MOTION to proceed in forma pauperis on appeal Document filed by Luis Bonilla-Oliver. (ja) (Entered: 06/29/2007)
06/25/2007	(51)	MOTION to Vacate under 28 U.S.C. 2255 Document filed by Luis Bonilla-Oliver. (jeh) Civil case 1:07-cv-5921 opened. (Entered: 06/25/2007)
06/28/2007	(52)	ORDER the Clerk of Court shall serve a copy of this Order and Petition, by certified mail, upon the United States Attorney for the Southern District of New York( certified mailing # 7001 2510 0002 8738 2084), and shall also send a copy of this Order, by certified mail, upon Luis Bonilla Oliver( certified mailing # 7001 2510 0002 8738 2077). The Respondent shall file an answer to the petition or other pleading in response thereto, no later than 8/31/2007. Petitioner shall have thirty days from which he is served with the respondent's answer to file a response. (Signed by Judge Denise L. Cote on 6/28/2007) Copies Mailed By Chambers.(tve) (Entered: 07/31/2007)
07/23/2007	(51)	PRO SE MEMORANDUM as to Luis Bonilla-Oliver dated 7/24/07 re: CHANGE OF ADDRESS for Luis Bonilla-Oliver. New Address: 16801-053, Federal Prison Duluth, Duluth, MN, 55814. (tro) Filed in Civil Case # 07-cv-5921. (Entered: 07/26/2007)
08/28/2007		First Supplemental ROA Returned. Supplemental Indexed record on Appeal Files as to Luis Bonilla-Oliver re: Appeal Record Sent to USCA - Electronic File, 49 USCA Mandate - Final Judgment Appeal, Transmission of Notice of Appeal and Docket Sheet to USCA, Supplemental ROA Sent to USCA - Index, USCA Case Number 06-0598-cr, returned from the U.S. Court of Appeals. (tp) (Entered: 09/12/2007)
08/31/2007	(56)	MOTION for Discovery Under Rule 6(a) of Rules Governing Sec 2255 Motions. Document filed by Luis Bonilla-Oliver. (ja) (Entered: 10/26/2007)
09/04/2007	(53)	ENDORSED LETTER as to Luis Bonilla-Oliver addressed to Judge Cote from AUSA Katherine Goldstein dated 8/31/07 re: the Govt requests a two-week extension of time to respond to the motion, until on or about 9/14/07, in order to permit the Govt to respond to Petitioner's claims of ineffective assistance of counsel at both the district and appellate court. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 9/4/07; refer to 07-cv-5921(DLC) also. (bw) (Entered: 09/04/2007)
09/05/2007	(54)	ENDORSED LETTER as to Luis Bonilla-Oliver, addressed to Judge Cote, from Katherine Goldstein, AUSA, dated 8/31/07, re: request an extension of time to submit the Govt's answer to Petitioner Luis Bonilla-Oliver's motion for post-conviction relief - claims of ineffective assistance of counsel at both the district and appellate court. Govt's answer was due 8/31/07 - request until on or about 9/14/07. -- Judge endorsed: Granted. Response due by 9/14/2007. (Signed by Judge Denise L. Cote on 9/4/07)(ja) (Entered: 09/06/2007)

09/13/2007	<u>55</u>	ENDORSED LETTER as to Luis Bonilla-Oliver addressed to Judge Cote from AUSA Katherine Goldstein dated 8/31/07 re: submitted to request an additional two-week extension of time to for the Govt to respond to Petitioner's claims of ineffective assistance of counsel at both the district and appellate court, until on or about 9/28/07. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 9/13/07); refer to 07-cv-5921(DLC) also. (bw) (Entered: 09/13/2007)
12/14/2007	<u>57</u>	REPLY TO RESPONSE to Motion by Luis Bonilla-Oliver re MOTION to Vacate under 28 U.S.C. 2255. (ja) (Entered: 12/20/2007)
01/22/2008	<u>58</u>	OPINION & ORDER as to Luis Bonilla-Oliver. Bonilla Oliver's petition is denied. No certificate of appealability shall issue. Bonilla Oliver has not made a substantial showing of a denial of a federal right, and appellate review is therefore not warranted. Moreover, any appeal from this order would not be taken in good faith. The Clerk of Court shall dismiss the petition. (Signed by Judge Denise L. Cote on 1/22/08) Copies Mailed By Chambers. Filed in associated civil case no 07-cv-5921. (tro) (Entered: 01/22/2008)
03/24/2008	<u>60</u>	NOTICE OF APPEAL by Luis Bonilla-Oliver from <u>58</u> Memorandum & Opinion. Copies mailed to attorney(s) of record: A.U.S.A. (tp) (Entered: 04/23/2008)
03/24/2008		Appeal Remark as to Luis Bonilla-Oliver re: <u>60</u> Notice of Appeal - Final Judgment. \$455.00 APPEAL FEE DUE. IFP REVOKED 1/22/08. COA DENIED 1/22/08. (tp) (Entered: 04/23/2008)
04/23/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Luis Bonilla-Oliver to US Court of Appeals re: <u>60</u> Notice of Appeal - Final Judgment. (tp) (Entered: 04/23/2008)

2255, APPEAL, CLOSED, PRO-SE

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-05921-DLC**  
**Internal Use Only**

Bonilla-Oliver v. USA  
Assigned to: Judge Denise L. Cote  
Related Case: 1:05-cr-00623-DLC-2  
Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

Date Filed: 06/25/2007  
Date Terminated: 01/22/2008  
Jury Demand: None  
Nature of Suit: 510 Prisoner: Vacate Sentence  
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
06/21/2007	1	MOTION to Vacate, Set Aside or Correct Sentence (28 U.S.C. 2255). NO FURTHER ENTRIES. PLEASE SEE CRIMINAL CASE: 05cr623. Document filed by Luis Bonilla-Oliver.(jeh) (Entered: 06/25/2007)
06/21/2007		Magistrate Judge Gabriel W. Gorenstein is so designated. (jeh) (Entered: 06/25/2007)
06/28/2007		ORDER the Clerk of Court shall serve a copy of this Order and Petition, by certified mail, upon the United States Attorney for the Southern District of New York, and shall also send a copy of this Order, by certified mail, upon Luis Bonilla Oliver. The Respondent shall file an answer to the petition or other pleading in response thereto, no later than 8/31/2007. Petitioner shall have thirty days from which he is served with the respondent's answer to file a response. (Original document filed under case number 05-cr-623 as document number 52.) (Signed by Judge Denise L. Cote on 6/28/2007) Copies Mailed By Chambers.(tve) Modified on 7/31/2007 (Velcz, Tamara). (Entered: 07/31/2007)
07/05/2007	2	ORDER re: 1 Motion to Vacate/Set Aside/Correct Sentence (2255) filed by Luis Bonilla-Oliver. Based upon petitioner's submissions in support of his application to proceed in forma pauperis, it is hereby ORDERED that the petitioner's application to proceed in forma pauperis is granted. SO ORDERED. (Signed by Judge Denise L. Cote on 7/3/07) Copies Mailed By Chambers.(tro) (Entered: 07/10/2007)
07/23/2007		PRO SE MEMORANDUM dated 7/24/07 re: CHANGE OF ADDRESS for Luis Bonilla-Oliver. New Address: 16801-053, Federal Prison Duluth, Duluth, MN, 55814. (tro) Original filed under criminal case # 05-cr-623, document #51. (Entered: 07/26/2007)
07/31/2007		Mailed a copy of Order to Answer, to Luis Bonilla - Oliver by Certified Mail # 7001 2510 0002 8738 2077 with Return Receipt Requested. (tve) (Entered: 07/31/2007)
07/31/2007		Mailed a copy of Order to Answer, 1 Motion to Vacate/Set Aside/Correct Sentence (2255) to the United States Attorney for the Southern District of New York by Certified Mail # 7001 2510 0002 8738 2084 with Return Receipt Requested. (tve) (Entered: 07/31/2007)
08/01/2007		Received Return Receipt of Mail Order by Certified Mail as to the United States Attorney for the Southern District of New York, which was served by Certified Mail # 7001 2510 0002 8738 2084, on 8/6/07. (rdz) (Entered: 09/13/2007)
08/09/2007	3	PRO SE MEMORANDUM dated 8/15/07 re: CHANGE OF ADDRESS for Luis Bonilla-Oliver. New Address: 16801-053, Federal Prison Damp Duluth, P.O. Box 1000, Duluth, MN, 55814. (jco) (Entered: 08/16/2007)
09/04/2007		ENDORSED LETTER as to Luis Bonilla-Oliver addressed to Judge Cote from AUSA Katherine Goldstein dated 8/31/07 re: the Govt requests a two-week extension of time to respond to the motion, until on or about 9/14/07, in order to permit the Govt to respond to Petitioner's claims of ineffective assistance of counsel at both the district and appellate court. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 9/4/07) [*** NOTE: Original document filed as doc.#53 in 05-cr-623(DLC) ***] (bw) (Entered: 09/04/2007)
09/13/2007		ENDORSED LETTER as to Luis Bonilla-Oliver addressed to Judge Cote from AUSA Katherine Goldstein dated 8/31/07 re: submitted to request an additional two-week extension of time to for the Govt to respond to Petitioner's claims of ineffective assistance of counsel at both the district and appellate court, until on or about 9/28/07. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 9/13/07) [*** NOTE: Original document filed as doc.#55 in 05-cr-623(DLC) ***](bw) (Entered: 09/13/2007)
10/11/2007	4	ORDER that the request for appointment of counsel is denied. The request for discovery is denied. The Government responded to the petition on September 28. As provided in the Order of June 28, petitioner has thirty days to respond. To the extent petitioner believes that he needs discovery to respond adequately, he may describe in his response precisely what additional information he needs and why it is important to have the information to respond to the Government's submission. It is further ordered that the petitioner include an affirmation of service or other proof of service with every future submission to the Court. Failure to do so will result in the submission being returned without review. The Clerk of Court shall return the September 14 submission to petitioner for failure to include an affidavit of service. (Signed by Judge Denise L. Cote on 10/11/07) Copies sent by chambers.(dle) (Entered: 10/11/2007)
10/11/2007	5	FIRST MOTION to Dismiss <i>Petitioner's 2255 Motion</i> . Document filed by USA.(Goldstein, Katherine) (Entered: 10/11/2007)
01/22/2008	6	OPINION & ORDER #95622: Bonilla Oliver's petition is denied. No certificate of appealability shall issue. Bonilla Oliver has not made a substantial showing of a denial of a federal right, and appellate review is therefore not warranted. Moreover, any appeal from this order would not be taken in good faith. The Clerk of Court shall dismiss the petition. (Signed by Judge Denise L. Cote on 1/22/08) (tro) Copies Mailed By Chambers. Modified on 2/7/2008 (pl). (Entered: 01/22/2008)
03/24/2008		NOTICE OF APPEAL from 6 Memorandum & Opinion. Document filed by Luis Bonilla-Oliver. Copies sent to attorney(s) of record: A.U.S.A. (ORIGINAL DOCUMENT ENTERED IN CRIMINAL CASE #05cr623-2, DOC. #60) (tp) (Entered: 04/24/2008)
03/24/2008		Appeal Remark as to Notice of Appeal filed by Luis Bonilla-Oliver. \$455.00 APPEAL FEE DUE. IFP REVOKED 1/22/08. COA DENIED. 1/22/08. (tp) (Entered: 04/24/2008)
04/24/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: Notice of Appeal. (tp) (Entered: 04/24/2008)
04/24/2008		Transmission of Notice of Appeal to the District Judge re: Notice of Appeal. (tp) (Entered: 04/24/2008)